

EXHIBIT H

JOHN M. MAKOWSKI, ESQUIRE
Attorney ID#16601984
Greentree Executive Commons
851 Route 73 North
Suite H
Marlton, New Jersey 08053-1275
856-988-0002

Attorney for Plaintiff, JOANNA R. JOHNSON

JOANNA R. JOHNSON,

Plaintiff,

vs.

**WAL-MART STORES EAST, LP,
ET AL**

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY**

Docket No.: **GLO-L-000649-20**

CIVIL ACTION

**NOTICE OF MOTION
TO REINSTATE COMPLAINT OF PLAINTIFF,
JOANNA R. JOHNSON
DATED: FEBRUARY 23, 2021
RETURNABLE ON MARCH 19, 2020 AT 9:00 A.M.**

TO: Sharleen E. Pratt, Esquire
McDonnell & Associates, P.C.
860 1st Avenue
Suite 5B
King of Prussia, Pennsylvania 19406

PLEASE TAKE NOTICE that the undersigned, attorney for the Plaintiff, JOANNA R. JOHNSON, will apply by way of Motion to the Superior Court of New Jersey, Law Division, Gloucester County Court House, 1 North Broad Street, Woodbury, New Jersey on Friday, March

19, 2021 at 9:00 a.m. or as soon thereafter as counsel may be heard for an Order reinstating the Plaintiff's Complaint.

The undersigned will rely upon *R. 4:23-5(a)(1)* and the attached Certification in support of this motion.

Pursuant to *R. 1:6-2*, the undersigned does not request oral argument unless opposed.

Dated: February 23, 2021

/s/ John M. Makowski, Esquire

JOHN M. MAKOWSKI, ESQUIRE

Attorney for the Plaintiff, JOANNA R. JOHNSON

JOHN M. MAKOWSKI, ESQUIRE
Attorney ID#016601984
Greentree Executive Commons
851 Route 73 North
Suite H
Marlton, New Jersey 08053-1275
856-988-0002

Attorney for Plaintiff, JOANNA R. JOHNSON

JOANNA R. JOHNSON,

Plaintiff,

VS.

WAL-MART STORES EAST, LP, et al.,

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY**

Docket No.: GLO-L-000649-20

CIVIL ACTION

ORDER

**VACATING DISMISSAL ENTERED JANUARY 8, 2021
FROM HEARING OF MARCH 19, 2021**

THIS MATTER having been opened to the Court by John M. Makowski, Esquire, attorney for the Plaintiff, JOANNA R. JOHNSON; and the Court having reviewed the pleadings; and for good cause shown:

1. The dismissal of the Complaint of the Plaintiff is hereby vacated pursuant to the provision of R. 4:23-5(a)(1) and the matter is hereby returned to the docket.

2. A copy of this Order will be served upon all parties within _____ days of the date of the Order.

J.S.C.

Opposed _____

Unopposed _____

JOHN M. MAKOWSKI, ESQUIRE
Attorney ID#016601984
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856-988-0002

Attorney for Plaintiff, JOANNA R. JOHNSON

JOANNA R. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, LP,

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY**

Docket No.: **BUR-L-002021-19**

CIVIL ACTION

**CERTIFICATION IN SUPPORT
OF MOTION TO VACATE DISMISSAL
FOR FAILURE
TO MAKE DISCOVERY**

I, JOHN M. MAKOWSKI, ESQUIRE, of full age, do hereby certify as follows:

1. I am the attorney for the Plaintiff, JOANNA R. JOHNSON, in the above matter, am fully familiar with the matter and make this Certification in support of my client's Motion to vacate the dismissal of her Complaint against the Defendants for failure to make discovery.

2. The Plaintiff's Complaint was dismissed by Order entered on January 8, 2021 by the Honorable Timothy W. Chell, P.J.Cv. Attached hereto and made a part hereof as *Exhibit A* is a copy of that Order.

3. The Plaintiff forwarded fully responsive Answers to Interrogatories and responses to the Notice to Produce to the Defendant on February 23, 2021 under separate cover.

4. Pursuant to the provisions of *R. 4:23-5(a)(1)*, the Plaintiff has satisfied the requirements for the reinstatement of her Complaint and the vacation of the dismissal Order entered on January 8, 2021. The Plaintiff has also tendered the amount of \$300.00 to the Treasurer, State of New Jersey by attorney judicial account. Therefore, the Plaintiff respectfully requests that the Order Dismissing the Complaint for Failure to Answer Interrogatories be vacated and the matter returned to the docket.

5. I certify that the foregoing statements made by me are true to the best of my knowledge and belief. I am aware that any willfully false statements made by me will subject me to punishment.

Dated: **February 23, 2021**

/s/ John M. Makowski, Esquire

JOHN M. MAKOWSKI, ESQUIRE

Attorney for the Plaintiff, JOANNA R. JOHNSON

Joanna R. Johnson vs. Wal-Mart Stores East, L.P., et al
Docket No.: GLO-L-000649-20

Exhibit A

GLCGLO L 000649-20 01/08/2021

Pg 1 of 2 Trans ID: LCV202158891 053

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MCDONNELL & ASSOCIATES, P.C. *Attorneys for Defendant Wal-Mart Stores East, LP*

By: Patrick McDonnell, Esquire

Attorney I.D. No.: 026781991

Email: pmdonnell@mcda-law.com

By: Sharlenn E. Pratt, Esquire

Attorney I.D. No.: 021592002

Email: spratt@mcda-law.com

860 First Avenue, Unit 5B

King of Prussia, PA 19402

Telephone: (610) 337-2087

Facsimile: (610) 337-2575

JOANNA JOHNSON,

Plaintiff,

v.

WAL-MART STORES EAST, LP, A
FOREIGN LIMITED PARTNERSHIP
AUTHORIZED TO DO BUSINESS IN
THE STATE OF NEW JERSEY, JOHN
DOE 1-100, A FICTITIOUS NAME, X
CORPORATION, A FICTITIOUS
NAME AND A AND B
PARTNERSHIP, A FICTITIOUS
NAME, JOINTLY, SEVERALLY AND
IN THE ALTERNATIVE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY

DOCKET NO.: GLO-L-000649-20

Civil Action

ORDER

THIS MATTER having been opened to the Court on the Motion of Sharlenn E. Pratt,
Esquire, of McDonnell & Associates, attorneys for Defendant Wal-Mart Stores East, LP, the Court
having considered the moving papers, and any response in opposition thereto, and for no cause
being shown to the contrary,

IT IS on this 8th day of January, 2021; ORDERED as follows:

(1) Defendant Walmart Wal-Mart Stores East, LP's Motion to Dismiss is hereby **GRANTED**; and

(2) Plaintiff's Complaint is hereby **DISMISSED** in its entirety without prejudice pursuant to R. 4:23-5(a)(1).

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel within seven (7) days of its filing.

/s/ Timothy W. Chell, P.J.Cv.

J.S.C.

[] Contested
[x] Uncontested

JOHN M. MAKOWSKI, ESQUIRE
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JOANNA R. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, L.P.,
et al,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY

Docket No.: **GLO-L-001065-19**

CIVIL ACTION

CERTIFICATE OF SERVICE

DATED: FEBRUARY 23, 2021
RETURNABLE ON MARCH 19, 2021 AT 9:00 AM

I, John M. Makowski, Esquire, hereby certify that on February 23, 2021, I electronically filed with the Clerk of the Superior Court, Law Division, Gloucester County Courthouse, 1 North Broad Street, Woodbury, New Jersey, 08096, the original of the Plaintiff's Motion to Reinstate Complaint for Failure to Make Discovery with supporting documents and a true and correct courtesy copy of the Plaintiff's Motion to Reinstate Complaint for Failure to Make Discovery with supporting documents was forwarded to the attorney for the Defendant, WAL-MART STORES EAST, L.P., by regular mail and electronically to Patrick McDonnell, Esquire, and

Sharlenn E. Pratt, Esquire, McDonell & Associates, P.C., 860 First Avenue, Unit 5B, King of Prussia, Pennsylvania, 19402, PMDONNELL@MCDA-LAW.COM and SPRATT@MCDA-LAW.COM.

Dated: **February 23, 2021**

/s/ John M. Makowski

JOHN M. MAKOWSKI, ESQUIRE

Attorney for the Plaintiff, JOANNA R. JOHNSON